

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

LIVINGSCAPES, LLC } Case No. 3:20-bk-03561
 } Chapter 11
 } Judge Harrison

Debtor(s).

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: SEPTEMBER 27, 2021
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: NOVEMBER 2, 2021
AT 9:00 A.M., IN COURTROOM 3, CUSTOMS HOUSE, 701 BROADWAY,
NASHVILLE, TN 37203**

NOTICE OF DEBTOR'S OBJECTION TO CLAIM OF CASSIE BURTON

The Debtor has asked the Court for the following relief:

APPROVAL OF DEBTOR'S OBJECTION TO CLAIM OF CASSIE BURTON

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached objection by entering the attached order, or if you want the court to consider your views on the objection, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: Friday, August 27, 2021

/S/ STEVEN L. LEFKOVITZ

Steven L. Lefkovitz, No. 5953

Jay R. Lefkovitz, No. 29856

Attorneys for Debtor

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OBJECTION TO THE CLAIM OF CASSIE BURTON (CLAIM 8-1)

NOW COMES the Debtor, through counsel, and pursuant to FRBP Rule 3002(c) objects to the claim of Cassie Burton (Claim 8-1) filed on November 23, 2020 in the amount of \$3,000,000.00. This claim is contingent, unliquidated, and disputed, and the Debtor asserts that this claim is disputed both as to liability and amount. There has been no adjudication in any Court proceeding as to the validity of the amount of the claim asserted by this claimant nor as to any liability on the part of the Debtor.

Accordingly, the Debtor prays for an evidentiary hearing before this Court as to the allowable amount of this claim, should the Court determine liability on the part of the Debtor.

Respectfully submitted,

/s/ Steven L. Lefkovitz, No.5953
Steven L. Lefkovitz, No. 5953
Attorneys for the Debtor
618 Church St., #410
Nashville, TN 37219
(615) 256-8300 fax (615) 255-4516
E-Mail: slevkovitz@lefkovitz.com

VERIFICATION

I hereby certify under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, in formation, and belief.


James Livingston, Owner
Livingscapes, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have sent it true and exact copy of the foregoing to Timothy Niarhos, Assistant U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203; to Robert H. Waldschmidt, Chapter 7 Trustee, 5115 Maryland Way, Suite 213, P.O. Box 2828 Brentwood, TN 37024-2828; Milessa Thomas, 404 Westview Dr. .Franklin, KY 42134; Milessa Thomas, clo Christopher Boiano, 11 Shivel Drive, Hendersonville, TN 37075; Cassie Burton, clo Sherwood Litigation, 201 4¹¹ Ave S, Suite 1130, Nashville, TN 37219; Cassie Burton 3833 Saunders Ave., Nashville, TN 37216 and to Matthew Murphy, 1222 16¹¹¹ Avenue S, Suite 301, Nashville, TN 37212; by CMIECF and/or U.S. Mail, postage pre-paid, on this the 27th day of August, 2021.

/S/ STEVEN L. LEFKOVITZ

Steven L. Lefkovitz

PROPOSED ORDER

IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

LIVINGSCAPES, LLC } Case No. 3:20-bk-03561
} Chapter 11
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Debtor(s).

ORDER GRANTING DEBTOR'S OBJECTION TO THE CLAIM OF THE CASSIE BURTON

Upon the Debtor's Objection to the Claim of Cassie and Notice thereon, having been filed with this Court and served upon all affected creditors and parties-in-interest on August 27, 2021; there having been no written responses to the Objection filed with the Clerk of Court within 30 days of Notice, pursuant to LBR 9013-1; and, upon the entire record herein, the Court finds that said objection is well taken, and

It is so **ORDERED** that the claim of Cassie Burton filed herein on November 23, 2020, in the amount of \$3,000,000 (Court's Claim No. 8-1) is disallowed in its entirety.

**THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY
AS INDICATED AT THE TOP OF THE FIRST PAGE.**

APPROVED FOR ENTRY:

LEFKOVITZ & LEFKOVITZ

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